

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

In re:

Fredi Lujan
Cynthia Ann Lujan

Debtors.

Case No. 13-13-12763-TA

MOTION TO MODIFY DEBTORS' CHAPTER 13 PLAN

COME NOW the Debtors by and through their attorney, Don Provencio, P.A. (Don Provencio, Esq.) and as grounds for their Motion to Modify Debtors' Chapter 13 Plan state as follows:

1. Debtors filed a petition seeking relief under Chapter 13 of Title 11, United Bankruptcy Code on August 23, 2013.
2. Debtors' Chapter 13 Plan was confirmed on October 22, 2013 requiring Debtors to pay \$1,050.00 per month for a period of 55 months with Debtors paying any net tax refunds, both federal and state, into the Plan for tax years 2013 through 2017. In addition, in order to satisfy the disposable income requirement and to be entitled to a discharge, debtors are required to make plan payments to the Chapter 13 Trustee in an amount sufficient for a minimum distribution of \$19,027.20, plus tax refunds, to attorney's fees, trustee's fees, and allowed priority and non-priority unsecured claims.
3. On April 16, 2014 an Order was entered by this Court allowing Debtors a moratorium of their April and May 2014 Plan payments and extending the Plan duration from 55 to 57 months.
4. On January 16, 2015 Debtors filed A Motion for Authority to Incur Credit to Accept a Modification Agreement from Bank of America on their residential Mortgage.

5. An Order Granting Debtors' Motion for Authority to Incur Credit to Accept a Modification Agreement from Bank of America on their Mortgage was entered February 11, 2015.

6. The Modification Agreement approved by Bank of America reduces the balance due on Debtors' mortgage to Bank of America, reduces the applicable interest rate on the balance due to Bank of America and reduces the remainder of arrearage debt being paid to Bank of America by the Chapter 13 Trustee to a zero balance due.

7. The Modification Agreement approved by Bank of America reduces the monthly payment due to Bank of America; therefore, after discussions with the Chapter 13 Trustee, Debtors agree to increase their monthly Chapter 13 Plan payment from \$1,050.00 to \$1,346.00 beginning with the June 22, 2015 Plan payment for the remainder of the term of their Plan with all other provisions of their Chapter 13 Plan remaining the same as set out in the Order confirming the Debtors' Chapter 13 Plan entered by this Court on October 22, 2013.

8. The distribution to creditors as set out in Debtors' Chapter 13 Plan confirmed on October 22, 2013 shall not be reduced except for Bank of America on its mortgage arrears.

9. Bank of America shall receive no further payments from the Chapter 13 Trustee on its pre-petition arrearage and its pre-petition arrearage set out in its Amended Proof of Claim filed on April 24, 2015 shall be deemed satisfied as is reflected in the same arrearage amount having been paid by the Chapter 13 Trustee.

10. This modification does not prevent the Debtors, the Chapter 13 Trustee nor any other Creditor from objecting to the veracity of any portion of the Amended Proof of Claim filed by Bank of America on April 24, 2015.

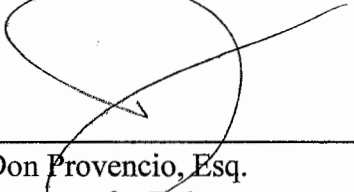
WHEREFORE, Debtors move the Court for an order modifying Debtors' Chapter 13 Plan by increasing their monthly Chapter 13 Plan payment from \$1,050.00 to \$1,346.00 beginning with the June 22, 2015 Plan payment for the remainder of the term of their Plan with all other provisions of Debtors' Chapter 13 Plan remaining the same as set out in the Order entered on October 22, 2013 confirming the Debtors' Chapter 13 Plan except that this modification shall reduce the pre-petition arrearage owed to Bank of America to the amount set out in the Amended Proof of Claim filed by Bank of America on April 24, 2015 and that any Order modifying Debtors' Chapter 13 Plan shall not prevent the Debtors, the Chapter 13 Trustee nor any other Creditor from objecting to the veracity of the Amended Proof of Claim filed by Bank of America on April 24, 2015.

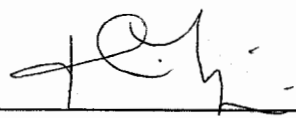
Respectfully Submitted:

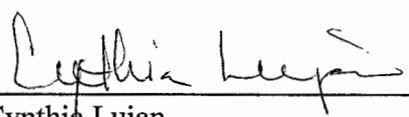
Approved:

DON PROVENCIO, P.A.

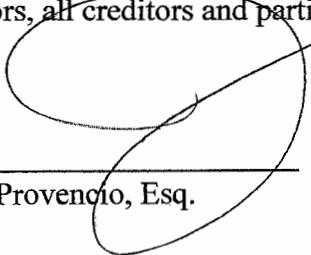
By


Don Provencio, Esq.
Attorney for Debtors
1721 Carlisle Blvd. N.E.
Albuquerque, NM 87110
Telephone: (505) 843-7071
Facsimile: (505) 764-8247
E-mail: don.dplawfirm@comcast.net


Fredi Lujan


Cynthia Lujan

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, to the debtors, all creditors and parties of interest this 27th day of May, 2015.


Don Provencio, Esq.